FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
NAGPUR BENCH, NAGPUR

MISC. CIVIL APPLCIATION NO.113/2006

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

CORAM : A.P. LAVANDE, J.
DATED : 09th AUGUST, 2006

Heard learned Counsel for the applicants and learned Counsel for the respondent.

By this application, the applicants who are the wife and daughter of respondent/non-applicant respectively seeks transfer of Hindu Marriage Petition No.339/2005 filed by the respondent in the Court of Civil Judge, Senior Division, Kalyan, in the Court of Civil Judge, Senior Division, Akola on the ground that the applicants are residents of Akot which is at a distance of 45 kilometres from Akola. The non-applicant/respondent has filed Hindu Marriage Petition No.339/2005 in the Court of Civil Judge, Senior Division, Kalyan, seeking divorce on the ground that the applicant no.1 is residing at Akola along with her daughter.

It is now well settled as per ratio laid down in the judgment of the Hon'ble Apex Court reported at AIR 2002 Supreme Court 396 (Sumita Singh...Versus...Kumar Sanjay and other) that while considering the transfer of matrimonial proceedings, the convenience of the wife has to be seen.

Accordingly the application is allowed. Hindu Marriage Petition No.339/2005 filed by the non-applicant in the Court of Civil Judge, Senior Division, Kalyan is transferred to the Court Civil Judge, Senior Division, Akola who shall dispose of the petition filed by the non-applicant.

The application stands disposed of with no order as to costs.

JUDGE

ssw